

\*\*E-Filed 10/23/07\*\*

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

TRENT WEST,

Plaintiff,

v.

JEWELRY INNOVATIONS, INC., TOSYALI  
INTERNATIONAL, INC. (dba BENCHMARK),  
DIAMOND NORTHSTAR, INC. (dba  
TUNGSTEN MAGNUM), and A'JAMAIS  
DESIGNS, INC. (dba INFINITY RINGS); and  
CROWN RING, INC.

Defendants.

Case Number CV 07-1812 JF (HRL)

ORDER<sup>1</sup> (1) GRANTING MOTION  
TO BE RELIEVED AS COUNSEL  
FOR DEFENDANT A'JAMAIS

[Re: Doc. No. 94]

The law firm of Ascione, Heideman & McKay ("the firm") seeks to withdraw as counsel for A'Jamais Designs, Inc. (dba INFINITY RINGS) ("A'Jamais") in the instant action. Plaintiff does not oppose the motion, provided that the firm continues to accept service for A'Jamais. For the reasons explained below, the motion will be GRANTED.

"Counsel may not withdraw from an action until relieved by order of Court after written notice has been given reasonably in advance to the client and to all other parties who have

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<sup>1</sup> This disposition is not designated for publication and may not be cited.

1 appeared in the case.” Civil L.R. 11-5 (a). “When withdrawal by an attorney from an action is  
2 not accompanied by simultaneous appearance of substitute counsel or agreement of the party to  
3 appear *pro se*, leave to withdraw may be subject to the condition that papers may continue to be  
4 served on counsel for forwarding purposes.” Civil L.R. 11-5(b).

5 In the instant case, the moving attorney, Mr. Heideman, was approached by A’Jamais’  
6 principal officer about possible representation in the instant case. At the time, Mr. Heideman was  
7 undecided about engaging in representation, but was aware that an answer and initial disclosures  
8 on behalf of A’Jamais were due. Mr. Heideman thus made contact with opposing counsel,  
9 Edward Vincent King, Jr., in order to secure an extension for filing the answer and initial  
10 disclosures. Mr. King granted the extension on the condition that Mr. Heideman agree to accept  
11 service on behalf of A’Jamais.

12 On July 13, 2007, Mr. Heideman appeared at a case management conference via  
13 telephone. He listened to the proceedings. Following this, Mr. Heideman and A’Jamais decided  
14 that Mr. Heideman would not undertake formal representation. Mr. Heideman’s motion states  
15 that “Defendant A’Jamais, according to Mr. Robert, has determined to obtain other counsel in  
16 this matter.” Heideman Affidavit at ¶ 8. A’Jamais has not paid, nor has it agreed to pay, any  
17 amount to the firm, nor is there any formal agreement for representation between Mr. Heideman  
18 and A’Jamais. Mr. Heideman is not a member of the California Bar, nor has he filed a *pro hac*  
19 *vice* application, nor has he entered a formal appearance as counsel in this case.  
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**ORDER**

Good cause therefore appearing, IT IS HEREBY ORDERED that the motion of Ascione, Heideman & McKay to withdraw as counsel of record for Defendant A'Jamais Designs, Inc. (dba INFINITY RINGS) is GRANTED. However, pursuant to Mr. Heideman's agreement with Mr. King, the firm shall continue to accept service of documents on behalf of A'Jamais until A'Jamais provides a new address of record to the Court.

DATED: October 23, 2007

  
JEREMY FOGEL  
United States District Judge

1 This Order was served on the following persons:

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